

District Attorney

Brad Fenocchio, District Attorney

MISSION STATEMENT

To pursue justice, protect victims' rights and public safety on behalf of the people of the State of California and the County of Placer. Through vigorous, equal, and efficient enforcement of the criminal law, prosecutors working on behalf of the Office of the District Attorney represent the people of the State of California in the criminal justice system and work with law enforcement agencies to assure the rights of the innocent, to prosecute and hold accountable the guilty, and to protect victims' and witnesses' rights.

DISTRICT ATTORNEY FUND 110 / APPROPRIATION 21710

	Actual 2004-05	Actual 2005-06	Requested 2006-07	Recommended 2006-07	Change %	Adopted 2006-07
Expenditures						
Salaries and Employee Benefits	\$ 9,525,514	\$ 10,591,409	\$ 13,114,132	\$ 12,652,273	19%	\$ 12,876,164
Services and Supplies	1,367,562	2,300,879	1,540,002	1,416,948	-38%	1,919,262
Other Charges	6,925	29,742	57,000	57,000	92%	60,000
Capital Assets	72,891	13,201	-	-	-100%	139,354
Other Financing Uses	-	-	55,500	-	0%	-
Intra Fund Charges	737,291	1,014,221	1,206,897	1,167,490	15%	1,177,500
Gross Budget:	11,710,183	13,949,452	15,973,531	15,293,711	10%	16,172,280
Intra Fund Credits	(62,005)	(83,752)	(57,359)	(57,359)	-32%	(57,359)
Net Budget:	\$ 11,648,178	\$ 13,865,700	\$ 15,916,172	\$ 15,236,352	10%	\$ 16,114,921
Revenue						
Fines, Forfeits and Penalties	\$ 72,946	\$ 86,785	\$ 102,600	\$ 102,600	18%	\$ 102,600
Revenue from Use of Money and Property	-	128	-	-	-100%	-
Intergovernmental Revenue	5,022,236	5,524,722	5,352,760	5,704,402	3%	5,704,402
Charges for Services	47,320	54,022	48,364	48,364	-10%	48,364
Miscellaneous Revenue	101,526	80,803	-	-	-100%	109,335
Other Financing Sources	6,891,803	8,406,050	7,760,608	8,010,608	-5%	8,407,137
Special Items	-	-	212,306	212,306	100%	212,306
Total Revenue:	12,135,831	14,152,510	13,476,638	14,078,280	-1%	14,584,144
Net County Cost:	\$ (487,653)	\$ (286,810)	\$ 2,439,534	\$ 1,158,072	-504%	\$ 1,530,777
Allocated Positions	107	120	133	120	0%	125

CORE FUNCTION

District Attorney Services

The District Attorney oversees prosecution of serious and violent crime throughout the County and provides assistance with criminal investigations conducted by law enforcement agencies. The District Attorney makes reasoned and ethical decisions in initiating prosecutions; provides aid and assistance to those who have been victimized by crime; and directs resources for prosecuting criminal misconduct.

FY 2005-06 Major Accomplishments

- Ninety-plus percent conviction rate involving Driving Under the Influence (DUI) cases.
- Adopted an aggressive policy toward recidivist DUI offenders.
- Organized and participated in anti-DUI public awareness and education programs, such as the "Bar Nights Media Campaign", Real DUI Trials", and MADD events.

Public Protection Services

District Attorney

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- In an effort to ensure that public safety concerns outlined in section 202 of the Welfare and Institutions Code are adequately addressed, an attorney from the Juvenile Unit is now participating whenever possible in weekly Placement Review Team and SMART Management Team Meetings.
- The Juvenile Unit has successfully moved more serious juvenile offenders into adult court than during any similar period in the past.
- Began planning for the move to the South Placer Justice Center.
- Filled 13 new position allocations.
- Implemented a new case management system ("Damion").

FY 2006-07 Planned Accomplishments

- Continue to appropriately investigate review and charge criminal cases in a timely manner.
- Continue to obtain timely resolutions of criminal cases, including a growing number of South County case referrals.
- Continue to seek justice for the victims of crime and ensure that victims receive appropriate restitution.
- Continue to provide support to victims and witnesses through the Victim Witness Program including relocation of victims and continue providing funeral/burial assistance.
- Continue to seek appropriate punishment and accountability for those convicted criminal acts.
- Continue to be available to law enforcement officers 24-hours a day for assistance, such as search warrant review.
- Continue planning the movement of administrative and selected staff to the new South Placer Justice Center.
- Pursue additional grant funding.
- Move the juvenile staff to the new Auburn Justice Center

Department Comments

The budget submitted for FY 2006-07 is a reflection of the needs identified by the District Attorney's Department. We are requesting additional funds for 13 new position allocations and funding for one unfunded position. The requested additional positions are for two deputy district attorneys for the Felony Unit, a deputy district attorney for the DUI Unit, a deputy district attorney for a Gang Unit and a deputy district attorney for a High Tech / Identity Theft Unit. The support staff (seven) are needed for the increased caseload.

Over the past three years, the service assignments of our community service officers have increased by about 50%, from 1,434 requests in 2002 to 2,193 in 2004. The year of 2005 saw a similar number of requests. As such, this 50% increase appears to be our new minimum operating level. These statistics are not yet fully completed, but the service requests for the first two months of 2006 have out-paced the service requests for the same period of 2004 and 2005, by approximately another 15%.

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With respect to the Investigators Unit, we are requesting two additional positions. During 2002-05, the number of investigations has remained fairly steady at about 500+ per year. However, this figure is deceiving, as the types of cases and seriousness of the matters have steadily increased. The number of labor intensive and multi-defendant cases has risen. Some other significant cases were gang-related homicides and shootings. There has also been an increase in high profile murders, such as Bezemer / Fernandez murder of Justine Vandershoot; currently from Thunder Valley Casino the Mario Garcia case (seen recently on CBS's 48 Hours); the Timothy Brooks case from Tahoe (charged with the stabbing murder of Robert Ash); and the Susan Greenberg murder case involving habeas motions (filmed for A & E Entertainment) just to name a few.

We are requesting an additional deputy district attorney for the DUI Unit. Our Placer law enforcement agencies are very aggressive in detecting and arresting DUI drivers. The following statistics are from the Roseville Police Department for the year of 2005: DUI arrests up 27% (from 651 to 827), DUI collisions up 19%, injuries from those collisions down 11% and number killed from DUI remained unchanged.

To continue to seek appropriate punishment and accountability for those convicted of a criminal act we are requesting the additional deputy district attorney positions.

The following cases are additional examples of matters we have handled in the last year.

Private attorney Jonathan Tyrell was charged with five counts of forgery, preparing false documents, possession of pornographic material, eight counts of child molestation, a count of vandalism and battery with serious bodily injury and allegations that some crimes occurred while he was on bail for other crimes. Jonathan Tyrell was sentenced to state prison for maximum of seven years and four months. He will be listed as a lifetime sex registrant.

Christopher Hansen was convicted of two counts of robbery, two counts of false imprisonment, and one count of assault with deadly weapon. The court also found that the defendant has been previously convicted of 13 prior "strikes" under the Three Strikes Law and 2 prior prison terms. He was sentenced to 128 years to life.

Jackie Townsend was charged with first-degree murder. The victim was a woman in her mid 40's who the defendant shot four times with a shotgun. The jury found Jackie Townsend guilty for first-degree murder and use and discharge of firearm. He was sentenced to 50 years to life.

David White was a foster father in Rocklin. He molested three boys and the defendant was arrested in 2002. This case was charged in the fall of 2002 and took over 3 years to resolve. On November 21, 2005, David White pled to 13 felony counts of 288 (lewd act on child) for a stipulated prison term of 23 years.

With the additional staff requested we can more readily adjust to the pending South Placer move and possibly construct a homicide prosecution unit of highly experienced staff whose main function would be the review and prosecution of murder cases.

Additional and probably substantial funding will be needed for the South Placer move.

The requested allocations funding is necessary to help meet the challenges of growth and the move to the South Placer Criminal Justice Center.

It is anticipated that our caseload will continue to increase during the next fiscal year as the county continues to develop.

County Executive Comments and Recommendations

The County Executive Office (CEO) proposed budget reflects a \$352,000 Public Safety Sales Tax increase and a \$250,000 General Fund increase to augment District Attorney operational costs and maintain public safety service levels. Revenue and General Fund increases will help offset full-year costs for existing staff plus 13 new positions approved but only partially funded in FY 2005-06, salary and benefit adjustments scheduled for FY 2006-07, and new facility costs associated with the move to the Auburn Justice Center.

Public Protection Services

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The remaining net county cost of this budget will be funded with District Attorney Department year-end fund balance, currently estimated at \$1.2 million. In the event fund balance is not realized as anticipated, final budget adjustments may be necessary to balance the budget. Further, it was agreed between the Executive Office and the District Attorney that five to seven positions will be added in the Final Budget.

Department requested funding considerations for final budget:

- Auburn Justice Center (\$28,000)
- DUI Task Force - Special Services (\$35,000)

Final Budget Changes from the Proposed Budget

Final budget adjustments include rebudgeted funding of \$67,315 from a Tribal Grant received in June 2006. Fund balance carryover and an increased General Fund contribution of \$257,175 offset the \$1.2 million net county cost of this budget. The final budget allocates funding for new and enhanced initiatives including a Multidisciplinary Interview Center and the Sexual Assault Response Team grant-funded programs; provides a \$200,000 increase in professional services contracts; and \$237,000 in contingencies to partially fund identified South Placer Justice Center facility costs, lease vehicles replacements and 5 new staff positions for 7 months. The new positions include 1 senior deputy district attorney, 1 deputy district attorney, 1 investigator, and 2 administrative legal clerks.

CORE FUNCTION: DISTRICT ATTORNEY

General Criminal Case Determinations Program
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Program Purpose: To review and file charges in criminal cases and to represent the people in the State of California and County of Placer in court in order to hold the guilty accountable and protect public safety.

Total Expenditures: \$12,688,733

Total Staffing: 104.0

- **Key Intended Outcome:** To effectively represent the people in the state and County of Placer in court.

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General Criminal Case Determinations Indicators:	Actual 2003-04	Actual 2004-05	Actual*** 2005-06	Projected 2006-07
# of felony / misdemeanor / juvenile and drug court appearances*	60,927	64,725	66,410	68,000
# of felony cases filed*	2,088	2,392	2,875	3,000
# of misdemeanor cases filed*	4,578	5,113	4,961	5,500
# of juvenile cases filed*	725	683	722	750
% of felony conviction rate**	86.5%	86.0%	86.0%	87.0%
% of misdemeanor conviction rate**	88%	87%	88%	89%
% of juvenile conviction rate**	86%	84%	88%	89%
# of felony family protection cases convicted	118	120	151	160
# of misdemeanor family protection cases convicted	347	406	398	450
# of Three Strike cases convicted	102	146	103	140
# of sexual assault cases convicted	124	106	138	145
# of driving under the influence (DUI) cases convicted	1,703	1,784	1,607	1,700
# of felony cases referred from all agencies	3,911	4,215	5,262	5,500
# of misdemeanor law enforcement cases/report referred from all agencies	5,506	5,737	6,872	6,950
# of juvenile law enforcement cases/report referred from all agencies	998	999	1,210	1,300

*Includes cases ultimately dismissed for insufficient evidence, or in the interest of justice, or for other legal reasons.

**It is difficult to determine conviction rates in these matters on a fiscal year basis. Many cases cannot be adjudicated within the fiscal year in which they were filed.

*** These numbers cannot be determined with precision due to a change in a new case management system.

Investigations Program

Program Purpose: To assist attorneys by conducting supplemental and pre-trial investigations of criminal and civil offenses, and to locate and return parentally abducted children.

Total Expenditures: \$2,152,055

Total Staffing: 17.0

- **Key Intended Outcome:** Attorneys will continue to receive the information and support necessary to present clear and concise cases and children are returned to appropriate locations.

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Investigations Indicators:	Actual 2003-04	Actual 2004-05	Actual 2005-06	Projected 2006-07
# of cases referred	3,085	3,299	3,540	4,000
# of abduction / custody cases	16	14	12	15
% of children recovered	100%	100%	100%	100%

Victim Services Program

Program Purpose: To provide advocacy and assistance to witnesses and victims of crime and witnesses by obtaining restraining orders and assisting with restitution through the State Board of Control.

Total Expenditures: \$1,132,743

Total Staffing: 12.0

- **Key Intended Outcome:** Victims will continue to be aided during a time of crisis and assisted in their recovery.

Victim Services Indicators:	Actual 2003-04	Actual 2004-05	Actual 2005-06	Projected 2006-07
# of new victims assisted	1,131	2,072	3,584	3,942
# of restitution claims submitted on behalf of the victims	790	616	767	790

Bad Check Program

Program Purpose: To collect full payment for bad checks written to local businesses and merchants at no cost to the victims in order to assist merchants in the recovery of lost business proceeds.

Total Expenditures: \$0

Total Staffing: 0.00

- **Key Intended Outcome:** Merchants' losses through bad checks will be reduced.

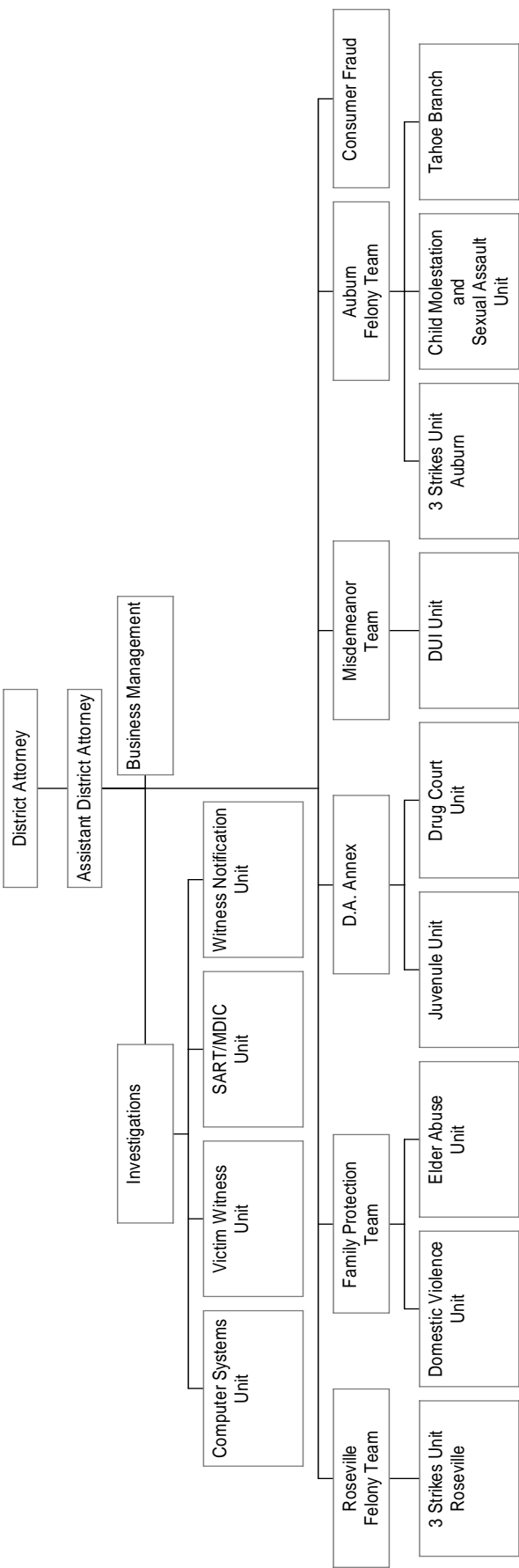
Bad Check Indicators:	Actual 2003-04	Actual 2004-05	Actual 2005-06	Projected 2006-07
\$ recovered thus far	\$231,979	\$183,871*	\$163,500**	\$190,000
% of total checks recovered	79.0%	86.0%*	70.0%**	79.0%

*Part of the reason for the lower recovery rate is that Wal-Mart no longer uses CSS to collect bad checks.

**Estimates; CSS is no longer in business.

Program Comments: Contracted to Computer Support Services for collection. Occasionally requires General Fund expenditures for prosecution.

DISTRICT ATTORNEY



POSITIONS: 125

**DISTRICT ATTORNEY
APPROPRIATION SUMMARY
Fiscal Year 2006-07**

ADMINISTERED BY: DISTRICT ATTORNEY

Appropriation	FY 2005-06		FY 2006-07	
	Actual	Position Allocations	BOS Adopted Budget	Position Allocations
OTHER OPERATING FUND District Attorney - Fund 110	\$ 13,865,700	120	\$ 16,114,921	125
TOTAL ALL FUNDS	\$ 13,865,700	120	\$ 16,114,921	125

District Attorney

Public Safety Operations Fund

Fund: 110

Subfund: 0

Appropriation: 21710

Budget Category (1)	Actual 2004-05 (2)	Actual 2005-06 (3)	Dept Req 2006-07 (4)	CEO Rec 2006-07 (5)	BOS Adopted 2006-07 (6)
Salaries & Benefits					
1001 Employee Paid Sick Leave		367			
1002 Salaries and Wages	6,530,490	7,121,867	8,697,046	8,360,977	8,522,824
1003 Extra Help	77,489	112,096	60,412	60,412	60,412
1005 Overtime & Call Back	6,896	21,018	4,000	4,000	4,000
1006 Sick Leave Payoff	2,000	5,016			
1007 Comp for Absence-Illness	8,683				
1099 Salaries & Wages Undistributed	237				
1300 P.E.R.S.	1,311,546	1,550,783	1,913,875	1,837,856	1,875,980
1301 F.I.C.A.	479,137	513,313	670,251	644,542	656,923
1303 Other - Post Employment Benefits			282,654	271,732	276,992
1310 Employee Group Ins	873,928	1,030,016	1,254,679	1,254,679	1,254,679
1315 Workers Comp Insurance	235,108	236,933	231,215	218,075	224,354
Total Salaries & Benefits	9,525,514	10,591,409	13,114,132	12,652,273	12,876,164
Services & Supplies					
2050 Communications - Radio	6,788	6,480			
2051 Communications - Telephone	141,691	148,854	164,355	150,355	150,355
2130 Insurance	6,760				
2140 Gen Liability Ins	169,951	132,290	104,884	104,884	104,884
2254 Witness & Criminal Indictment	6,431	8,546	18,000	18,000	18,000
2257 Witness Fees	2,275	8,984	40,000	40,000	40,000
2290 Maintenance - Equipment	14,158	26,499	24,000	24,000	24,000
2405 Materials - Bldgs & Impr	26,612	28,023	12,000	12,000	12,000
2414 Records Retention & Destruction			18,608	18,608	18,608
2439 Membership/Dues	20,423	20,437	27,295	24,345	24,345
2481 PC Acquisition	12,156	2,931	168,366	136,000	136,000
2511 Printing	69,979	81,474	76,725	76,725	76,725
2522 Other Supplies	26,064	37,496	102,075	102,075	167,319
2523 Office Supplies & Exp	41,055	45,630	41,920	40,000	40,000
2524 Postage	12,190	13,133	15,500	15,500	15,500
2555 Prof/Spec Svcs - Purchased	372,530	573,864	444,290	409,722	409,722
2556 Prof/Spec Svcs - County	87,495				
2701 Publications & Legal Notices		155			
2709 Rents & Leases - Computer SW	38,123	46,940	47,701	47,701	47,701
2711 Rents & Leases - Auto	57,609	37,686	23,000	23,000	23,000
2727 Rents & Leases - Bldgs & Impr	60,636	62,737	63,233	63,233	63,233
2770 Fuels & Lubricants	14,010	21,388	20,800	20,800	20,800
2809 Rents and Leases-PC		11,187			
2838 Special Dept Expense-1099 Repor	8,190	12,437			
2840 Special Dept Expense	102,418	255,801	44,250	16,000	453,070
2850 Law Enforcement Special Expense	29,685	27,224	30,000	30,000	30,000
2860 Library Materials	11,316	14,748	9,000	9,000	9,000
2931 Travel & Transportation	28,252	42,914	39,000	30,000	30,000
2941 County Vehicle Mileage	765	780	5,000	5,000	5,000
3551 Transfer Out A-87 Costs		632,241			
Total Services & Supplies	1,367,562	2,300,879	1,540,002	1,416,948	1,919,262
Other Charges					
3066 Victim Compensation Services	6,925	13,382			
3810 Lease Purchase Principal		11,795	36,337	36,337	37,482
3830 Lease Purchase Interest		4,565	20,663	20,663	22,518
Total Other Charges	6,925	29,742	57,000	57,000	60,000
Fixed Assets					
4451 Equipment	72,891	13,201			139,354
Total Fixed Assets	72,891	13,201			139,354
Other Financing Uses					
3776 Contrib Auto Working Capital			55,500		

District Attorney

Public Safety Operations Fund

Fund: 110

Subfund: 0

Appropriation: 21710

Budget Category (1)	Actual 2004-05 (2)	Actual 2005-06 (3)	Dept Req 2006-07 (4)	CEO Rec 2006-07 (5)	BOS Adopted 2006-07 (6)
Total Other Financing Uses			55,500		
Charges From Departments					
5051 I/T - Communications			5,616	5,616	5,616
5291 I/T Maintenance - Computer Equipm			2,000	2,000	2,000
5310 I/T Employee Group Insurance	234,643	286,075	375,907	375,907	375,907
5405 I/T Maintenance - Bldgs & Improvem	34,937	92,968	85,032	70,624	70,624
5456 I/T Miscellaneous Expense	2,580	500			
5523 I/T Office Supplies & Expenses	58				
5527 I/T Prof Services A-87 Costs			212,306	212,306	212,306
5552 I/T - MIS Services	285,202	423,982	323,437	334,269	334,269
5553 I/T - Revenue Services Charges	1,263	583	1,010	1,010	1,010
5555 I/T Prof/Special Services - Purchase		7,300	10,000	10,000	10,000
5556 I/T - Professional Services	111,776	127,154	119,000	119,000	129,010
5844 I/T Training		50			
5965 I/T Utilities	66,832	75,609	72,589	36,758	36,758
Total Charges From Departments	737,291	1,014,221	1,206,897	1,167,490	1,177,500
Gross Budget	11,710,183	13,949,452	15,973,531	15,293,711	16,172,280
Less: Charges to Departments					
5002 I/T - County General Fund	(37,494)	(62,027)			
5011 I/T - Public Safety Fund	(24,511)	(21,725)	(57,359)	(57,359)	(57,359)
Total Charges to Departments	(62,005)	(83,752)	(57,359)	(57,359)	(57,359)
Net Budget	11,648,178	13,865,700	15,916,172	15,236,352	16,114,921
Less: Revenues					
6851 Vehicle Code Fines-Alcohol	(68,569)	(63,039)	(60,100)	(60,100)	(60,100)
6860 Forfeitures & Penalties	(1,391)	(14,652)	(2,500)	(2,500)	(2,500)
6862 Consumer Fraud Fines	(2,986)	(9,094)	(40,000)	(40,000)	(40,000)
6950 Interest		(128)			
7134 Tobacco Tax (Prop 10)	(11,444)				
7210 Elder Abuse	(109,525)	(79,602)	(110,000)	(110,000)	(110,000)
7211 State Aid Auto Insurance Fraud	(29,135)	(26,892)	(25,000)	(25,000)	(25,000)
7232 State Aid - Other	(33,261)	(33,261)	(33,261)	(33,261)	(33,261)
7234 State Aid - Mandated Costs	(1,560)	(60,163)			
7292 Aid from Other Governmental Ag	(83,078)	(102,092)	(75,095)	(75,095)	(75,095)
7296 Aid from Children & Families 1st	(38,556)	(51,500)	(50,561)	(50,561)	(50,561)
7324 Federal - GAIN Program		(35,075)			
7336 State - Victim/Witness Program	(188,776)	(218,204)	(188,776)	(188,776)	(188,776)
7337 State BOC Burial Grant	(2,223)	(12,115)			
7338 State Aid - Child Abuse Vertical P	(136,439)	(136,439)	(136,439)	(136,439)	(136,439)
7339 State - DA - Bd of Control	(253,652)	(255,977)	(254,857)	(254,857)	(254,857)
7424 State Aid - Public Safety Service	(4,044,291)	(4,415,125)	(4,395,531)	(4,747,173)	(4,747,173)
7457 State Aid - Workers Comp Insur	(7,056)	(12,745)			
7467 State Aid Supplemental Law Enf	(83,240)	(85,532)	(83,240)	(83,240)	(83,240)
8122 Legal Services	(21,975)	(15,339)	(28,364)	(28,364)	(28,364)
8218 Forms and Photocopies	(13,399)	(26,433)	(20,000)	(20,000)	(20,000)
8219 Casino - Sales Tax In Lieu	(11,946)	(12,250)			
8746 Grants-Private Funds	(89,211)	(67,315)			(109,335)
8762 State Compensation Insurance R	(3,698)				
8764 Miscellaneous Revenues	(8,617)	(13,488)			
8779 Contributions from General Fun	(6,840,547)	(7,760,608)	(7,760,608)	(8,010,608)	(8,267,783)
8954 Operating Transfers In		(632,241)			
8958 Capital Lease Proceeds	(51,256)	(13,201)			(139,354)
8985 Contributions			(212,306)	(212,306)	(212,306)
Total Revenues	(12,135,831)	(14,152,510)	(13,476,638)	(14,078,280)	(14,584,144)

District Attorney

Public Safety Operations Fund

Fund: 110

Subfund: 0

Appropriation: 21710

Budget
Category
(1)

Actual
2004-05
(2)

Actual
2005-06
(3)

Dept Req
2006-07
(4)

CEO Rec
2006-07
(5)

BOS
Adopted
2006-07
(6)

Net County Cost

(487,653)

(286,810)

2,439,534

1,158,072

1,530,777